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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/677,672      | 10/02/2003  | Norbert Hofmann      | GKNG 1180 PUS       | 8828             |

7590 10/14/2004  
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EXAMINER

BINDA, GREGORY JOHN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3679

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/677,672

Applicant(s)

HOFMANN, NORBERT

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

*Drawings*

1. The drawings are objected to as failing to comply with:
  - a. 37 CFR 1.84(h)(2) because in each of Figs. 5 & 6, an additional enlarged is not labeled as a separate view.
  - b. 37 CFR 1.84(p)(4) because reference numeral numerals 23 & 39 are used to identify a feature or part in Fig. 3 and then reused to identify a modification of such feature or part in Figs. 4-6. See MPEP § 608.02(e).
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

3. The disclosure is objected to because page 1, line 23 mentions “the applicant”. Such terminology is inappropriate in a disclosure intended for publication as a patent. A patent has an inventor and may also have an assignee, but no applicant.

4. The specification is objected to as failing to comply with 37 CFR 1.71 and 1.75(d)(1) because the detailed description fails to provide proper antecedent basis for the following claimed subject matter:

- a. Claim 1, line 23: “stop collars (38, 39) which delimit the needle contact face”
- b. Claim 1, line 30 & 31: all limitations therein
- c. Claims 2 & 7-16: all limitations therein
- d. Claim 3, lines 4 & 5: all limitation therein

*Claim Objections*

5. Claim 1 is objected to because in line 13, the limitation, “rollers (25) which are” should be changed to “a roller (25) which is”.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3 rejected under 35 U.S.C. 102(b) as being anticipated by Schneider, US 5,171,185. Figs. 1 & 2 show a tripod joint 10 comprising: an outer joint part 20 with a first longitudinal axis 24 and having an inner recess and three uniformly circumferentially distributed recesses 26 which widen the inner recess and which form pairs of circumferentially opposed tracks 28; a tripod star 32 with a longitudinal axis 34 and having a hub and three uniformly circumferentially distributed tripod arms which are arranged radially at the hub and which each form an arm head 40 with a spherical surface portion 42; and a roller assembly 66 on each of the arm heads 40, each of the roller assemblies being guided in one of the recesses 26, and each roller assembly 66 comprising an annular roller carrier 44, bearing needles 64 rotating on the roller carrier 44, and a roller 54 which is rotatably supported on the bearing needles 64; wherein the roller carriers 44, on their inner faces, each comprise a cylindrical arm contact face 46 and, on their outer faces, a cylindrical needle contact face 48; wherein the roller carriers 44 are arranged on the arm heads 40 so as to be pivotable and displaceable along the arm axis and wherein the rollers 54 roll on the tracks 28 with roller axes which are substantially axis-normal relative to the first longitudinal axis 24. Fig. 5 shows the roller carriers 144, on their outer faces 143, 145, each comprise stop collars 150 which delimit the needle contact face and which are held with an axial displacement clearance (see the white space between the tops of needle bearings 64 and the inner surface of the flange 150) in the direction of the roller axes between axial securing members 150 in such a way that they are secured against being lost relative to the rollers 154. Fig. 5 shows the roller carriers 144 on their inner faces, with reference to the first longitudinal axis 24 (see Fig. 1) on the radial inside and outside end each comprise a cylindrical

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projection 150 which increases the axial length of the arm contact face beyond the extension of the needle contact faces.

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7-12 & 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider. Schneider shows all the limitations of the claims, but fails to expressly disclose that the tripod joint is dimensioned to provide an articulation angle of at least 27 degrees and that the displacement clearance amounts to at least 10% of the carrying length of the bearing needles. However, it would have been obvious to one of ordinary skill in the art to design the tripod joint of Schneider such that it provides an articulation angle of at least 27 degrees and that the displacement clearance amounts to at least 10% of the carrying length of the bearing needles, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

10. Claims 4-6 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider in view of Hofmann et al, US 5,525,109 (Hofmann). Schneider shows an integral securing member 150, but does not show the securing member as a separable ring in a groove.

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Hofmann shows in Fig. 2C that a securing member comprising a separable ring 18 in a groove is an art recognized equivalent of the integral securing member shown in Fig. 2A. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tripod joint of Schneider by using a securing member comprising a separable ring in a groove instead of an integral securing member since both such securing members are art recognized equivalents as shown in Hofmann.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Poulin and Kudo et al each show a tripod joint.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda  
Primary Examiner  
Art Unit 3679